IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5758 OF 2005

Akaram Babu Shinde Petitioner

versus

Jaysing Shripati Shinde & anr. Respondents

Mr.A.A.Kumbhakoni, Sr.Counsel with A.P.Kulkarni for petitioner.

P.D.Dalvi for respondent no.1.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 23rd January 2006
PC :

1. Heard Shri Kumbhakoni for petitioner and Shri Dalvi for respondent no.2.

2. With the assistance of Shri Kumbhakoni and Shri Dalvi I have perused the plaint, averments therein as well as prayers. I have also perused the interim application and the reliefs sought therein.

3. In the light of these materials, it is needless to observe that the order of the Trial Court directing the petitioner and the original defendant no.2 to maintain status-quo operates

insofar as the construction on the Northern side of the bungalow of petitioner which is southward portion of the respondent no.1's property. The obstruction to the enjoyment of the respondent no.1-original plaintiff, from the reading of plaint and more particularly para 3 thereof, is on account of construction of the wall on the Northern side. Therefore, the order of status-quo has to be confined to this portion, at least, at this stage. The order does not prevent the petitioner from enclosing his property and constructing a compound wall on the other sides.

4. Needless to observe that this order is without prejudice to the rights and contentions of both sides and ultimately it is for the Trial Court to pass appropriate orders on merits at the trial.

5. Considering that the petitioner is a senior citizen and the dispute is with regard to the boundary wall of the premises and properties of defendants and plaintiffs, the Trial Court shall endeavour and dispose of the suit in question latest by 31st August 2006. Petition disposed of.

(S.C.DHARMADHIKARI, J.)